

**TITLE 16. BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Holiday Inn San Diego Downtown, 1617 First Avenue, San Diego, California, at 9:00 a.m., or as soon as practicable thereafter, on August 5, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Wednesday, August 2, 2006, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2930 of the Business and Professions Code, and to implement, interpret or make specific sections 728, 2930, and 2936 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, section 728 of the Business and Professions Code, states that any time it is suspected that a psychotherapist had alleged sexual intercourse or alleged sexual contact with a previous patient, it is the current psychotherapist's responsibility to provide to the patient a brochure promulgated by the Department of Consumer Affairs (DCA). The psychotherapist shall discuss with the patient the contents of such brochure. In addition, pursuant to section 2936 of the Business and Professions Code, licensees and registrants are currently required to post, in a conspicuous location in their principal psychological business office, a *Notice to Consumers* notifying consumers of who to contact regarding questions or complaints in the practice of psychology.

This proposed regulation would adopt a new section 1396.5 which would require licensed psychologists, who provide services to a client in a language other than English, to provide to the client as appropriate the translations of required or approved notices or publications made available by the board in that language. This proposed regulation would also require licensed psychologists to discuss with the patient the content of any required or approved notice or publication only available in English as well as the Notice to Consumers. As there are clients of all nationalities and ethnicities who do not read or speak English, this would ensure that they understand their rights as consumers of such services.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impacts that a representative private person  
or  
business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

## CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Kathy Bradbury
Address:	1422 Howe Avenue, Suite 22 Sacramento, CA 95825
Telephone No.:	(916) 263-0712
Fax No.:	(916) 263-2697
E-Mail Address:	kathy_bradbury@dca.ca.gov

The backup contact person is:

Name:	Jeffrey Thomas
Address:	1422 Howe Avenue, Suite 22 Sacramento, CA 95825
Telephone No.:	(916) 263-1617
Fax No.:	(916) 263-2697
E-Mail Address:	jeff_thomas@dca.ca.gov

Website Access: Materials regarding this proposal can be found at [www.psychboard.ca.gov](http://www.psychboard.ca.gov).